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NAMA: Statement of Affairs Borrower Template Declaration

Ireland: National Asset Management Agency

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STATEMENT OF AFFAIRS

BORROWER	DATE
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NAMA HELD ASSETS & LIABILITIES

ASSET LOCATION (IF APPLICABLE)	ASSET DESCRIPTION	BANK/ LENDER	VALUE	VALUATION BASIS	VALUATION DATE	DEBT LIMIT	DEBT DRAWN BALANCE	NET VALUE	DERIVATIVE EXPOSURE (MTM)	ANNUAL INCOME	ANNUAL DEBT SERVICING			PROPERTY COSTS	SURPLUS CASH	DEBT SERVICE AGREEMENT	DEBT EXPIRY DATE	DERIVATIVE EXPIRY DATE	OWNERSHIP	BORROWER % OWNERSHIP
											INTEREST	CAPITAL REPAYMENT	TOTAL COMMITMENT							
			€	PV or Estimate	xx/yy/zz	€	€	€	€	€	€	€	€	€	€	IRU / IO / C&I			Name of Legal Entity	%
SUB TOTAL																				

OTHER BANK/LENDER HELD ASSETS & LIABILITIES

ASSET LOCATION (IF APPLICABLE)	ASSET DESCRIPTION	BANK/ LENDER	VALUE	VALUATION BASIS	VALUATION DATE	DEBT LIMIT	DEBT DRAWN BALANCE	NET VALUE	DERIVATIVE EXPOSURE (MTM)	ANNUAL INCOME	ANNUAL DEBT SERVICING			PROPERTY COSTS	SURPLUS CASH	DEBT SERVICE AGREEMENT	DEBT EXPIRY DATE	DERIVATIVE EXPIRY DATE	OWNERSHIP	BORROWER % OWNERSHIP
											INTEREST	CAPITAL REPAYMENT	TOTAL COMMITMENT							
			€	PV or Estimate	xx/yy/zz	€	€	€	€	€	€	€	€	€	€	IRU / IO / C&I			Name of Legal Entity	%
SUB TOTAL																				

UNENCUMBERED ASSETS, INCLUDING PENSION FUNDS [SEE NOTE 2 BELOW]

ASSET LOCATION (IF APPLICABLE)	ASSET DESCRIPTION	VALUE	VALUATION BASIS	VALUATION DATE	ANNUAL INCOME	PROPERTY COSTS (IF APPLICABLE)	SURPLUS CASH	OWNERSHIP	BORROWER % OWNERSHIP
		€	PV or Estimate	xx/yy/zz	€	€	€	Name of Legal Entity	%
SUB TOTAL									

ANY OTHER ASSETS (& LIABILITIES) IN WHICH BORROWER (OR RELATED ENTITY) HAS LEGAL OR BENEFICIAL INTEREST

ASSET LOCATION (IF APPLICABLE)	ASSET DESCRIPTION	BANK/ LENDER	VALUE	VALUATION BASIS	VALUATION DATE	DEBT LIMIT	DEBT DRAWN BALANCE	NET VALUE	DERIVATIVE EXPOSURE (MTM)	ANNUAL INCOME	ANNUAL DEBT SERVICING			PROPERTY COSTS	SURPLUS CASH	DEBT SERVICE AGREEMENT	DEBT EXPIRY DATE	DERIVATIVE EXPIRY DATE	OWNERSHIP	BORROWER % OWNERSHIP
											INTEREST	CAPITAL REPAYMENT	TOTAL COMMITMENT							
			€	PV or Estimate	xx/yy/zz	€	€	€	€	€	€	€	€	€	€	IRU / IO / C&I			Name of Legal Entity	%
SUB TOTAL																				

OTHER INCOME [ALL OTHER INCOME NOT IDENTIFIED IN TABLES ABOVE]

INCOME SOURCE	INCOME AMOUNT	COSTS [IF ANY]	SURPLUS CASH	INCOME DURATION	OWNERSHIP
	€	€	€	€	€

OVERALL CONNECTION NET WORTH AND LIQUIDITY POSITION

TOTAL VALUE	TOTAL LIABILITY	NET VALUE	TOTAL INCOME	TOTAL REPAYMENT	TOTAL PROPERTY COSTS	SURPLUS CASH
€	€	€	€	€	€	€

CONTINGENT LIABILITIES (INCL PERSONAL/CORPORATE GUARANTEES)

NATURE OF CONTINGENT LIABILITY	FROM	TO	AMOUNT	DUE DATE	EXPIRY DATE (IF ANY)	STATUS
	State legal entity	State Legal Entity	€		xx/yy/zz	

OTHER LIABILITIES

NATURE OF OTHER LIABILITY	FROM	TO	AMOUNT	DUE DATE (IF ANY)
TAX	State legal entity	State Legal Entity	€	xx/yy/zz
CREDITOR	State legal entity	State legal entity	€	xx/yy/zz
OTHER (IF OTHER, PLEASE SPECIFY BELOW)				

ASSET TRANSFERS (TO THIRD PARTIES, OTHER THAN ARM'S LENGTH TRANSACTIONS IN GOOD FAITH TO INDEPENDENT, UNCONNECTED THIRD PARTIES FOR VALUABLE CONSIDERATION AT FULL OPEN MARKET VALUE, IN PAST FIVE YEARS, INCLUDING ALL TRANSFERS TO FAMILY AND/OR RELATED PARTIES)

ASSET LOCATION	ASSET DESCRIPTION	FROM	TO	VALUE OF ASSET	CONSIDERATION FOR TRANSFER	DATE OF TRANSFER	REASON FOR TRANSFER
	Property, cash, shares in private cos etc	State legal entity	State Legal Entity	€		xx/yy/zz	

DECLARATION

See form of Declaration of Borrower overleaf

NOTES – COMPLETION OF FORM

1. Please add additional rows to tables above as is necessary to ensure full declaration
2. Unencumbered assets are assets that do not have debt attaching and (a) which have not been provided as security to any other body and (b) are not listed above under “NAMA Held Assets & Liabilities” or “Other Bank/Lender Held Assets & Liabilities”
3. Pension funds are to be detailed under “Unencumbered Assets”. Pension funds are deemed to be any pension or retirement fund that are approved by the Pensions Board and/or Financial Regulator
4. All monetary amounts to be stated in Euro/€ - In Notes to the Statement of Affairs, the exchange rate used should be highlighted
5. Assets are not limited to property assets and are to include any legal or beneficial interest that the borrower or related party may have in any other asset, whether or not that asset is deemed to have a value in the current market. Assets include, but are not limited to, property/land, shareholdings (private or public), pension funds, trust funds, cash/securities/bonds, family home, chattels, artwork
6. Where assets have been transferred, in the past five years, to third parties (save for cases where assets have transferred at arm's length, to independent, unconnected third parties and for valuable consideration at full open market value) NAMA requires Statements of Affairs for the beneficiary of the transfer to be provided
7. “Related Parties” for the purposes of this Statement of Affairs includes but is not limited to the following: family members such as spouses, parents, brothers, sisters, and/or children; persons related through marriage to the Borrower; spousal equivalent persons; persons acting as trustees of any trust, the principal beneficiaries of which are the Borrower, the Borrower's spouse or any of his/her children or any body corporate which he/she controls; persons in partnership or joint venture with the Borrower, bodies corporate controlled by the Borrower and any subsidiaries or related companies of such bodies corporate, any shareholders in such companies as aforesaid
8. Additional explanatory notes can be appended to this SOA to provide further information on specific assets/liabilities as considered necessary. NAMA reserves the right to seek such further explanatory notes as it deems appropriate

Declaration of Borrower – Statement of Affairs

To be completed by each borrower

I, [Insert Borrower's Name], [Insert Occupation], of [Insert Address], aged 21 years and upwards do solemnly and sincerely declare as follows:

1. To the best of my knowledge and belief and having undertaken all such prudent and diligent enquiries to establish such knowledge and belief, the foregoing statement contains full and accurate details of all:
 - (a) assets owned by me or in which I hold any form of ownership interest whatsoever, whether partial, beneficial, legal or otherwise and whether encumbered in any form or unencumbered; for the avoidance of doubt, this is to include pension funds; and
 - (b) liabilities incurred or owing by me of whatsoever nature, whether actual, contingent, deferred or otherwise; and
 - (c) transfers of assets of whatsoever nature within the past 5 years (save for cases where assets have transferred at arm's length, to independent, unconnected third parties and for valuable consideration at full open market value) from myself in whatsoever capacity to or from third parties and/or related parties including, but not limited to, family members such as spouses, parents, brothers, sisters, and/or children; persons related through marriage to the Borrower; spousal equivalent persons; persons acting as trustees of any trust, the principal beneficiaries of which are the Borrower, the Borrower's spouse or any of his/her children or any body corporate which he/she controls; persons in partnership or joint venture with the Borrower, bodies corporate controlled by the Borrower and any subsidiaries or related companies of such bodies corporate, any shareholders in such companies as aforesaid; and
 - (d) all other facts or items of information materially relevant to the assets, liabilities and transfers described above.
2. I am satisfied that there are no assets, liabilities, forms of income or otherwise of whatsoever nature to which I am entitled or which have been incurred by me (as the case may be) other than those disclosed in the foregoing statement.
3. I am satisfied that there have been no further transfers of assets (save for cases where assets have transferred at arm's length, to independent, unconnected third parties and for valuable consideration at full open market value) of whatsoever nature to or from myself within the past five years other than as disclosed.
4. To the best of my knowledge and belief and having undertaken all such prudent and diligent enquiries to establish such knowledge and belief, I am satisfied that all of the particulars given by me as set out in the foregoing statement are true and accurate and stated and set out correctly and comprehensively.

5. I make this declaration from facts within my own knowledge conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1938.

DECLARED before me by

[Insert Borrower's Name]

on this day of

at

in the County of /

City of

and I know the said Declarant / the Declarant is
made known to me by

**COMMISSIONER FOR OATHS /
PRACTISING SOLICITOR**